

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6928 OF 2006

Vishwanth R.Panvelkar .. Petitioner.
Vs.
Natwarlal Tulsidas Mehta & Ors. .. Respondents.

Mrs.Anjali N.Helekar for the petitioner.
Ms.Varsha Sawant for respondent nos.7 and 8.

CORAM : D.B.BHOSALE, J.

DATED : 2ND MARCH, 2007

P.C.:

. Heard learned counsel for the parties.

2. By this petition, the petitioners have challenged an order by which the court below has allowed the application filed by the respondents seeking permission to call the witness for cross examination, whose affidavit in lieu of examination in chief is filed on record. I do not wish to interfere with such order in writ jurisdiction under Article 227 of the Constitution of India. Mrs.Helekar, learned counsel for the petitioner, apart from other submissions also submitted that the respondents by making such application are adopting delaying tactics. In view thereof, in my opinion, the ends of justice would be met by the following order:

. The Court below shall decide the application dated 26.9.2005 for condonation of delay in filing application for setting aside an ex parte decree in Special Civil Suit No.71 of 2000 as expeditiously as possible and preferably within a period of four weeks from the date of receipt of this order. If the trial Court allows the application it shall proceed to decide Miscellaneous Application No.197 of 2005 as expeditiously as possible and preferably within three months therefrom. With these observations this writ petition is disposed of. While passing this order I shall not be understood to have expressed any opinion on merits of the application for condonation of delay. The writ petition is disposed of.

(D.B.Bhosale, J.)